

2006 SESSION

INTRODUCED

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SENATE BILL NO. 452

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend and reenact § 46.2-921.1 of the Code of Virginia, relating to approaching certain stationary vehicles on highways; penalties.*

Patron—Devolites Davis

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-921.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-921.1. Drivers to yield right-of-way or reduce speed when approaching certain stationary vehicles on highways; penalties.

The driver of any motor vehicle, upon approaching *either (a) a stationary emergency vehicle, as defined in § 46.2-920, that is displaying a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022, 46.2-1023, and 46.2-1024, (b) a motorist assistance vehicle that is operated by Department of State Police personnel and displays flashing, blinking, or alternating amber warning lights as provided in subdivision A 1 of § 46.2-1025, or (c) a freeway incident response team (FIRT) vehicle that is operated by Virginia Department of Transportation personnel and displays flashing, blinking, or alternating amber warning lights as provided in subdivision A 1 of § 46.2-1025*, shall (i) on a highway having at least four lanes, at least two of which are intended for traffic proceeding as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change into a lane not adjacent to that occupied by the stationary emergency vehicle or (ii) if changing lanes would be unreasonable or unsafe, proceed with due caution and maintain a safe speed for highway conditions.

Violation of any provision of this section shall constitute a Class 1 misdemeanor. If the violation resulted in damage to property of another person, the court may, in addition, order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury to another person, the court may, in addition to any other penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years. If the violation resulted in the death of another person, the court may, in addition to any other penalty imposed, order the suspension of the driver's privilege to operate a motor vehicle for two years.

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